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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,280	09/12/2003	Gerhard Heinemann	HEINEMANN-3	7618
20151	7590	05/22/2006	EXAMINER	
HENRY M FEIEREISEN, LLC 350 FIFTH AVENUE SUITE 4714 NEW YORK, NY 10118			CHERY, MARDOCHEE	
			ART UNIT	PAPER NUMBER
			2188	

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/661,280	Applicant(s) HEINEMANN, GERHARD	
	Examiner Mardochee Chery	Art Unit 2188	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 2,6,8 and 11-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/7/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to Applicant's communication filed on February 7, 2006 in response to PTO Office Action mailed on November 16, 2005. The Applicant's remarks and amendments to the claims and/or the specification were considered with the results that follow.

2. In response to the Office Action mailed on November 16, 2005, claims 1-4, 6, and 8-13 have been amended. No claims have been added or canceled. Consequently, claims 1-13 remain pending.

3. The objection to the specification has been withdrawn due to the amendment filed on February 7, 2006.

Response to Arguments

4. Applicant's arguments with respect to claims 1-7 and 9-11 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

5. Claims 1, 2, 11, and 13 are objected to because of the following informalities:
- a. In claim 1, line 11, "the" should be deleted before –operation--.
 - b. In claim 2, line 4, "the" should be deleted before –operation--.
 - c. In claim 11, line 6, "basic" should be inserted before –real-time-- and deleted after before –functions--.
 - d. In claim 13, 1, "the" should be deleted before –memory--.
 - e. In claim 13, line 5, "the" should be inserted before –at least--.
- Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 3-5, 7, 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 01/47099.

As per claim 1, WO 01/47099 discloses a controller, in particular a drive controller, comprising: a first functional block for at least one permanently installed

controller function [Fig. 1, Control Unit 2; Abstract]; and a second functional block for at least one dynamically loadable controller function, wherein the second functional block can be dynamically loaded or dynamically overwritten with a real-time function during the operation of the controller [Fig. 1, Configuration 3; pp 3, ll 5-17; pp 5, ll 30 to pp 6, ll 4].

As per claim 3, WO 01/47099 discloses a bus link, wherein the real-time additional function is loaded via the bus link from a management automation system [Fig. 2; pp 1, ll 10-15pp 6, ll 9-10].

As per claim 4, WO 01/47099 discloses the real-time additional function is loaded via an Internet connection [Fig. 2; pp 6, ll 9-10].

As per claim 5, WO 01/47099 discloses a device for runtime monitoring [Fig. 3].

As per claim 7, WO 01/47099 discloses a device for monitoring memory location access [Fig. 1, Sending Unit 12, Datasets 1-4, Customer libraries 1-3].

As per claim 9, WO 01/47099 discloses the device for monitoring memory location access administers a memory region with access rights for both the real-time basic functions and the real-time additional function, and wherein copies of variables of the real-time basic functions are stored at this memory region [Fig. 2; pp 5, ll 30 to pp 6,

¶ 7; pp 7, ¶ 25 to pp 8, ¶ 7].

As per claim 10, the rationale in the rejection of claim is herein incorporated.

8. Claims 1 and 10 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant Admitted Prior Art (Hereinafter APA).

As per claims 1 and 10, APA discloses a drive controller for a drive of an electric machine, comprising: a first functional block for at least one permanently installed controller function for storing at least one basic real-time function for controlling the drive [pars. 2-3]; and a second functional block having at least one dynamically loadable controller function for storing at least one additional real-time function for controlling the drive wherein the second functional block can be dynamically loaded or dynamically overwritten with the at least one additional real-time function during the operation of the controller [pars. 2-3].

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA in view of WO 01/47099.

As per claim 3, APA discloses the claimed invention as discussed above in the previous paragraphs. However, APA does not specifically teach the real-time additional function is loaded via an Internet connection as required by the claim.

WO 01/47099 discloses a bus link, wherein the real-time additional function is loaded via the bus link from a management automation system [Fig. 2; pp 1, ll 10-15; pp 6, ll 9-10] to facilitate programming of the controller (pp. 1, ll 11-13).

Since the technology for implementing a controller where the real-time additional function is loaded via an Internet connection was well known as evidenced by WO 01/47099, an artisan would have been motivated to implement this feature in the system of APA in order to facilitate programming of the controller. Thus, it would have been obvious to one of ordinary skill in the art at the time of invention by Applicant, to modify the system of APA to include a real-time additional function loaded via the bus link from a management automation system since this would have facilitated programming of the controller (pp. 1, ll 11-13) as taught by WO 01/47099.

As per claim 4, WO 01/47099 discloses the real-time additional function is loaded via an Internet connection [Fig. 2; pp 6, ll 9-10].

As per claim 5, WO 01/47099 discloses a device for runtime monitoring [Fig. 3].

As per claim 7, WO 01/47099 discloses a device for monitoring memory location access [Fig. 1, Sending Unit 12, Datasets 1-4, Customer libraries 1-3].

As per claim 9, WO 01/47099 discloses the device for monitoring memory location access administers a memory region with access rights for both the real-time basic functions and the real-time additional function, and wherein copies of variables of the real-time basic functions are stored at this memory region [Fig. 2; pp 5, ll 30 to pp 6, ll 7; pp 7, ll 25 to pp 8, ll 7].

Allowable Subject Matter

11. Claims 2, 6, 8, and 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stripf	6,263,487
Martin	5,412,791
Barford	6,691,249

12. When responding to the office action, Applicant is advised to clearly point out the patentable novelty that he or she thinks the claims present in view of the state of the art disclosed by references cited or the objections made. He or she must also show how the amendments avoid such references or objections. See 37 C.F.R. 1.111(c).

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mardochee Chery whose telephone number is (571) 272-4246. The examiner can normally be reached on 8:30A-5:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Manonama Padmanabhan can be reached on (571) 272-4210. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 3, 2005



Mardochee Chery
Examiner
AU: 2188


5/15/06

MANO PADMANABHAN
SUPERVISORY PATENT EXAMINER